

## REMARKS

### I. Status Summary

Claims 1-8 and 10-15 have been rejected under 35 U.S.C. § 102(e) upon the contention that the claims are anticipated by Takahashi et al. (*Synthesis and Electrochemical Property of Polypyridium*; Electronic Science, The 71st Conference, March 24, 2004; hereinafter "Takahashi et al.").

Reconsideration of the claims in view of the following remarks is respectfully requested.

### II. Response to Rejection Under 35 U.S.C. § 102(e)

Claims 1-8 and 10-15 have been rejected under 35 U.S.C. § 102(e) upon the contention that the claims are anticipated by Takahashi et al. (*Synthesis and Electrochemical Property of Polypyridium*; Electronic Science, The 71st Conference, March 24, 2004; hereinafter "Takahashi et al."). The Patent Office contends that Takahashi et al. provides the method for producing polypyridium comprising reacting a polymerization initiator and a monomer in an organic solvent in the presence of a dissolution accelerating agent as recited in the claims.

Initially, applicants respectfully submit that Takahashi et al. fails to support a rejection under 35 U.S.C. § 102(e). As set out at page 2 of the Official Action, Section 102 states, *inter alia*, "[a] person shall be entitled to a patent unless, (e) the invention was described in (1) an application for patent,....or (2) a patent granted on an application for patent..." Takahashi et al. is neither an application for patent nor a patent granted on an application for patent. As such, the instant rejection is believed to be fatally flawed and should therefore be withdrawn.

Notwithstanding the above, applicants respectfully submit that the subject application is a National Stage Entry of PCT International Patent Application Serial No. PCT/JP2005/005180, filed March 23, 2005, which claims priority to Japanese Patent Application Serial No. 2004-084518, filed March 23, 2004. Applicants submit herewith what is believed to be a true and accurate copy of the English translation of

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Japanese Patent Application Serial No. 2004-084518, as well as a statement that the translation is believed to be true and accurate. As such, applicants respectfully submit that the foreign priority claim is believed to be perfected pursuant to 37 C.F.R. § 1.55(a)(4).

In view of the foregoing, applicants respectfully submit that the subject U.S. patent application is believed to properly claim priority to Japanese Patent Application Serial No. 2004-084518. As such, the subject U.S. patent application is believed to predate Takahashi et al. Therefore, Takahashi et al. is not believed to support a rejection of the subject application under 35 U.S.C. § 102. Withdrawal of the instant rejection is respectfully requested.

Applicants respectfully submit that the instant rejection over Takahashi et al. has been addressed. Withdrawal of the instant rejection is therefore respectfully requested. Allowance of claims 1-8 and 10-15 is respectfully requested.

#### CONCLUSION

In light of the above Amendments and Remarks, it is respectfully submitted that the present application is now in proper condition for allowance, and an early notice to such effect is earnestly solicited.

If any small matter should remain outstanding after the Patent Examiner has had an opportunity to review the above Remarks, the Patent Examiner is respectfully requested to telephone the undersigned patent attorney in order to resolve these matters and avoid the issuance of another Official Action.

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DEPOSIT ACCOUNT

The Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account No. 50-0426.

Respectfully submitted,

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